

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

St. Barnabas Hospital, Inc., on behalf of
itself and all others similarly situated,

Plaintiff,

v.

Civil No. 09-1375 (JNE/JJG)
ORDER

Lundbeck, Inc., and Ovation Pharmaceuticals, Inc.,

Defendants.

This is an action for unlawful acquisition, monopolization, attempted monopolization, and unjust enrichment. After Defendants moved to dismiss the Complaint, Plaintiff filed an Amended Complaint. Accordingly, the Court denies as moot Defendants' motion to dismiss the Complaint. *See Pure Country, Inc. v. Sigma Chi Fraternity*, 312 F.3d 952, 956 (8th Cir. 2002).

Based on the files, records, and proceedings herein, and for the reasons stated above, IT
IS ORDERED THAT:

1. Defendants' Motion to Dismiss the Complaint Pursuant to Rule 12(b)(6) [Docket No. 13] is DENIED AS MOOT.

Dated: October 2, 2009

s/ Joan N. Ericksen
JOAN N. ERICKSEN
United States District Judge